CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JUNE 5, 2007

INVOCATION:
Reverend Anita Castillo of First Mexican Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Senior Deputy City Attorney Stockton, Deputy Fire Chief Moreno, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Community Development Lindsey, Planner III Shipsey, Advance Planner Smith, Director of Recreation and Parks Posada, Police Chief Macagni, and Deputy City Clerk Garietz.

ANNOUNCEMENT
Councilmember Trujillo announced that the City Council wanted to present Tim Williams, a mentally challenged gentleman who watches the Council meetings faithfully, with a gift. Mr. Williams was not present to accept the gift.

PROCLAMATION – MAKE-A-WISH MONTH
Mayor Lavagnino read a proclamation declaring the month of June 2007 as Make-A-Wish Month in the City of Santa Maria and applauding the commitment the Make-A-Wish Foundation makes to children with life-threatening medical conditions, their families and the community. The proclamation was accepted by Twyla Bohl, Beatrice Cardenas and Laila Lopez. Laila's wish was to be a Police Officer for a day. Ms. Bohl thanked the Santa Maria Police Department and Police Chief Macagni for making her wish come true.

PUBLIC COMMENT
Tom Urbanske spoke about immigration and its importance to our country and agricultural community.

Vibiana Saavedra, Santa Maria Community Coalition, spoke in opposition to the water and sewer rate increase, and expressed concerns that the public hearing is scheduled for the same day the water rate is to become effective.

Joan Leon, Santa Maria Community Coalition, commended the City Council for urging residents to contact their federal officials regarding funding to repair the levee, expressed concerns about the Closed Session regarding water sales to North Hills, and requested that item 3G regarding the parade ordinance be pulled for discussion.

Natalia Bautista spoke in opposition to the water rate increase.

Pedro Navarro thanked the Council for the opportunity to meet with City officials to discuss the water issues, and spoke in opposition to the water rate increase.

CONSENT CALENDAR

Mayor Lavagnino pulled Item 3G for comment, and noted that there were several requests to speak on the matter. Councilmember Zacarías pulled Item 3K for discussion. City Manager Ness also requested Item 3K be pulled for discussion.

Item 3G – Annual Technical Amendments and Other Amendments to the Santa Maria Municipal Code

Mayor Lavagnino indicated that he had three requests to speak on Item 3G.

Robert Armstrong spoke in opposition to adopting the Ordinance relating to parades and assemblies. He mentioned that he was a member of Peace Coalition and discussed two recent demonstrations where nothing untoward happened. He questioned under the new ordinance the ability for his organization to hold peace demonstrations, and the right of assembly under the Constitution. He requested the Council reconsider the assembly portion of this ordinance.

Mayor Lavagnino requested City Attorney Trujillo address Mr. Armstrong's concerns.

City Attorney Trujillo stated that he had recommended that the ordinance be changed because it was outdated, and, in his opinion, could not be upheld had it ever been challenged in court. In addition, there is an exception from the permitting requirements for assemblies that gather under 150 persons or which do not block streets or right-of-ways. If the Peace Coalition was protesting, was under 150 people, and was not blocking public streets, sidewalks or right-of-ways, there would be no change in business for that type of assembly.

Councilmember Zacarías asked that it be explained where in the ordinance the exemption would be permitted.

City Attorney Trujillo answered that the exemption was located in the first paragraph of the Ordinance.

George Dailey, member of the Peace Coalition, asked what was wrong with the current ordinance that would make it necessary to change it now. He specifically objected to the change where the City Manager is the sole decider on what is approved or disapproved, with no provision for appeal. He requested this responsibility be delegated to the Police Department since it would have to provide the manpower and enforcement of the code changes.

Joan Leon, Santa Maria Community Coalition, discussed the definition under the proposed ordinance and questioned whether or not a group of people of 150 or less who block the sidewalk was required to obtain a permit. She discussed the lack of appeal under the new ordinance; the prior ordinance only addressed parades, but had the right to appeal to the City Council. This ordinance now included assembly with no right to appeal. She noted that the only recourse to obtain a permit if there should be a problem was to go to court. She added that this Ordinance should also provide for the ability to appeal to the City Council.

Councilmember Zacarías asked if there was any language regarding the appeal process in the Ordinance as drafted, and asked that the appeal process be explained.

City Attorney Trujillo responded that there was no appeal process in the Ordinance. It was structured so that the City Manager was required to issue a permit regardless of the content of the language provided, and that there was no blocking of traffic or other reasonable time, place, and manner restrictions. In a sense, the protections were already built in because the City Manager must issue the permit unless he can make specific findings.

Councilmember Zacarías asked if the City Manager could build in conditions as part of the permitting.

City Attorney Trujillo explained that the entire ordinance was designed to take away the discretion to deny a permit. The City Manager must issue the permit making it a far more superior ordinance than the previous which had quite a bit of discretion built into it. With case law associated with the First Amendment, those types of discretionary acts and parade ordinances have been held unconstitutional requiring a redraft of the entire ordinance to take away such discretionary acts to make it "shall issue" unless specific findings can be made. There was no appeal to the City Council; it would go straight to the court.

City Manager Ness noted that a request for an assembly permit happens rarely. He stated he could only remember one time in the last five years in which an assembly or parade had gotten to the point where an application had been filed and there was any kind of concern. What was typically done in that situation was the Police Department was consulted and arrangements were made to allow the assemblage in a way that the applicant wanted without creating any substantial inhibition of the flow of either pedestrian or vehicular traffic on the public rights-of-way. Usually details were able to be worked out so that the parade or assembly takes place.

Item 3K – Resolution Awarding a Bid regarding McClelland/Morrison Reconstruction and McClelland Underground Improvements

Mayor Lavagnino asked that this item be voted on separately as he would be abstaining. He stated that he had no financial interest in the project, but he lived on Morrison Street and would be dealing with the improvements.

City Manager Ness presented an amended Resolution indicating that the proper wording was inadvertently omitted. He indicated that when the bids were received and being reviewed, Director of Public Works/City Engineer Whitehead expressed concerns about how the old concrete roadway would be handled that lies beneath the asphalt roadway in place now. Due to the age of many of the homes in the area, there was significant concern about the recompaction of the earth after the old concrete roadway is removed. Director of Public Works/City Engineer Whitehead talked to the successful bidder and made arrangements for a different way of pursuing the project. The revised resolution adds language which allows the Director of Public Works/City Engineer to negotiate and execute a contract change order to not remove the old concrete roadway, and instead install a new asphalt overlay on South McClelland and East Morrison Avenue. The appropriate language which was referenced in the staff report was inadvertently not added to the resolution. Staff asked that the City Council, after discussion, approve Resolution No. 2007-75 in its revised form.

Councilmember Zacarías asked if other contractors who bid were given the opportunity to re-bid since the job had changed.

Director of Public Works/City Engineer Whitehead responded that after reviewing the bids, the removal of that item of work would not change the ranking of the bidders.

Councilmember Zacarías also asked if this was the remediation to insure that damage did not occur to the homes, and by not removing the concrete the City would not have this liability.

City Manager Ness responded, as to the plaster walls, that is correct.

Mayor Lavagnino stated most of the homes in that area had been built in the 1920's. They were built with lath and plaster material, and that the pounding could cause severe cracking of the walls.

Consent Calendar Items A through L, excluding Items 3G and 3K, were approved on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Item 3G, Council conducted the second reading of Ordinance Nos. 2007-08, 2007-09, 2007-10 and adopted the Ordinances and Resolution No. 2007-74 on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Councilmember Zacarias
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-08 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO ATTORNEY'S FEES, CITATION FOR VIOLATION, PERSONNEL, CLAIMING, BUSINESS LICENSES, ITINERANT SHOWS, DOMESTIC FOWL NUISANCE, BICYCLES, STANDING WATER NUISANCE, CROSS CONNECTIONS, AND FIREWORKS.

Ordinance No. 2007-09 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 8-4 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO PARADES AND ASSEMBLIES.

Ordinance No. 2007-10 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING SUBSECTION (d) OF SECTION 4-3.362 AND SUBSECTIONS (b), (c), AND (d) OF SECTION 4-3.326 OF, AND ADDING CHAPTER 4-18 TO, THE SANTA MARIA MUNICIPAL CODE, REGULATING MASSAGE.

Resolution No. 2007-74 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A FEE FOR THE PROCESSING OF MASSAGE PRACTITIONER LICENSES.

Item 3K, Resolution No. 2007-75 approving an agreement with Union Asphalt, Inc., for Bid No. 2007/09, McClelland/Morrison Reconstruction and McClelland Underground Improvements in the amount of $419,296.65, was adopted as amended awarding the bid and on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Zacarías
NOES: None
ABSENT: None
ABSTAIN: Mayor Lavagnino

Resolution No. 2007-75 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH UNION ASPHALT, INC. FOR McCLELLAND/MORRISON RECONSTRUCTION AND McCLELLAND UNDERGROUND IMPROVEMENTS, BID NO. 2007/09.

A. ORDINANCES

The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES

The Minutes of the Regular City Council Meeting of May 15, 2007, were approved as submitted.

C. RELEASE OF BOND
Council accepted as complete the public improvements and released a Faithful Performance Bond in the amount of $34,500 for the construction and installation of the Santa Maria Way Median, including landscaping and irrigation associated with Mission Creek, Tract 5847.

D. RELEASE OF BOND
Council accepted as complete the public improvements and released a Faithful Performance Bond in the amount of $411,237 for the construction and installation of boundary walls associated with Rose Garden Village, Tract 5725.

E. WARRANTS
Warrant Nos. 134540 to 134927 in the amount of $5,227,515.10 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 134540, 127289, 127305, 127400, 127402, and 127493 were canceled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ANNUAL TECHNICAL AMENDMENTS AND OTHER AMENDMENTS TO THE SANTA MARIA MUNICIPAL CODE.
Pulled from Consent Agenda and approved under separate vote.

H. ORDINANCE NO. 2007-07
Council conducted the second reading of Ordinance No. 2007-07 amending Section 12.32.07A(c) of the Municipal Code and adopted the ordinance.

Ordinance No. 2007-07 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A TEXT AMENDMENT TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2007-002, E-2007-013.

I. ALCOHOLIC BEVERAGE LICENSE
Council made a finding of public convenience in the matter of issuance of a Type 21 (Off-Sale General) Alcoholic Beverage License for the sale of packaged alcoholic beverages at the Rite Aid (a.k.a. Thrifty Payless) Pharmacy and Retail Store at 2405 South Broadway.

J. CALL FOR BIDS
Approval was given to call for bids on the plans and specifications for Street Maintenance (Chip Seal), Bid No. 2008/02.

K. AWARD OF BID
An agreement with Union Asphalt, Inc., for Bid No. 2007/09, McClelland/Morrison Reconstruction and McClelland Underground Improvements in the amount of $419,296.65. Pulled from Consent Agenda and approved under separate vote.

L. NO STOPPING ZONE
Resolution No. 2007-76 was adopted establishing a no stopping zone on Sunrise Drive.

Resolution No. 2007-76 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON SUNRISE DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

ZONE CHANGE AND TENTATIVE TRACT MAP REQUEST FOR NEWLOVE GARDENS, TRACT 5910 LOCATED AT 580 EAST NEWLOVE DRIVE, FILE NOS. GPZ-2006-003, E-2005-068, ASSESSOR'S PARCEL NUMBER 128-076-028 (1.01 ACRES).

Director of Community Development Lindsey gave the staff report and indicated that the project was a proposed 11-unit detached singled family residential subdivision and involved both Items 4 and 5 on the agenda. These two items comprised a rezoning and a tentative subdivision map; and could be discussed together, but would require separate actions.

The City Council is asked to consider a recommendation from the Planning Commission regarding a mitigated negative declaration of environmental impact and a zone change to change the zoning designation for the 1.01 acre site from R-2 (Medium Density Residential) to PD/R-2 (Planned Development/Medium Density Residential), and a tentative tract map that would create 11 residential lots that were 2,555 square feet in size and 1 common lot. The zone change would allow the construction of 11 single family residences at 580 East Newlove Drive. The environmental impacts of the project were analyzed in Initial Study/Mitigated Negative Declaration, E-2005-068, prepared for the zone change. Mitigation measures have been made a part of the project conditions of approval. No further environmental review is required. On May 2, 2007, the Planning Commission on a 5-0 vote adopted Resolution No. 2465 recommending the City Council file a Mitigated Negative Declaration and adopt a Mitigation Monitoring Program for the project, and Resolution No. 2466 recommending that the City Council approve the zone change.

In addition, the property owner is seeking a Planned Development (PD) application to facilitate a subdivision infill project that is defined and constrained by its overall boundaries. The project proponent intends to develop 11 detached dwelling units on smaller than typical lots in the R-2 zone, with more narrow side yard building setbacks. He explained that the R-2 zoning setback standards require a five-foot setback on one side of the building and a ten-foot setback on the other. The proposed infill project includes a three-foot sideyard on one side with a six-foot sideyard on the opposite side. A subdivision that has lots of less than the required width require review and approval by the City Council. In this case, the R-2 zone requires 6,000 square feet and 600 feet in width, and an area of approximately 2,500 square feet, which is substantially less for this subdivision.

Mayor Lavagnino opened the public hearing.

Bill Orndorff, applicant's representative, described that there would be approximately 1,200 square feet of private usable open space; 9 units would have a separate guest parking space in addition to a 2-car enclosed garage; each garage would have an 18-foot driveway apron which could allow for a vehicle to park in front of the garage; and 2 units would have 4 parking spaces, 2 within an enclosed garage. Each home would be 1,600 square feet, have 3 bedrooms, 2½ bathrooms, stucco facades and tile roofs, and each unit would include a 13-D fire sprinkler system with an alarm. He also indicated that some of the memoranda attached to the tentative map refer to mitigation fees based on the addition of 11 dwelling units. There should be a credit for the 2 existing dwelling units that already exist; it would amount to $60,000 to $70,000 in savings to the developer. He indicated his understanding was that if the existing units were torn down and new ones were built, mitigation fees would not have to be paid for that portion of the project.

Director of Community Development Lindsey indicated that he recalls a credit process; but has not researched it. Staff would adhere to any credit process if it applies to this project.

Director of Community Development Lindsey indicated that he has provided the Council with the site plan/tract map.

Councilmember Patino said that she agonizes over infill projects, but really likes this project as presented. She believes that it will more than complement the neighborhood. She thanked Mr. Orndorff for all his work.

Having no further requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2007-77 was adopted authorizing the filing of a Mitigated Negative Declaration for E-2005-068 adopting a Mitigation Monitoring Program on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-77 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING MITIGATED NEGATIVE DECLARATION (E-2005-068) AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR NEWLOVE GARDENS, TRACT 5910, LOCATED AT 580 EAST NEWLOVE DRIVE.

Ordinance No. 2007-11 rezoning the 1.01 acre site from R-2 (Medium Density Residential) to PD/R-2 (Planned Development/Medium Density Residential) was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-11 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 1.01 ACRES OF PROPERTY LOCATED AT 580 EAST NEWLOVE DRIVE, ASSESSOR'S PARCEL NUMBER 128-076-028.

Resolution No. 2007-78 was adopted approving the tentative tract map on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-78 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR NEWLOVE GARDENS, TRACT 5910, LOCATED AT 580 EAST NEWLOVE DRIVE.

CONFIRMATION OF LAND USES WITHIN THE SPHERE AREA 9 SPECIFIC PLAN (BLACK ROAD REORGANIZATION), 884 ACRES. Director of Community Development Lindsey gave the staff report. This is a request for early consultation to give input on whether the City Council wishes to reaffirm its previous prezoning direction for manufacturing and employment-generating land uses within the Sphere Area 9 Specific Plan. On September 16, 2003, the City Council, on a 5-0 vote, introduced an ordinance prezoning Sphere Area 9 and adopted a Resolution of Application to initiate the annexation of Sphere Area 9. The prezoning of Sphere Area 9 included 59 acres to PD/CM (Planned Development/Commercial Manufacturing), 421 acres to PD/CM/AG (Planned Development/Commercial Manufacturing/ Agriculture Overlay), 152 acres to PD/M-2 (Planned Development/General Manufacturing), and 252 acres to OS (Open Space). The second reading and adoption of the ordinance was on October 2, 2003. The Local Agency Formation Commission (LAFCO) approved the annexation without election and it became effective on November 23, 2004. Area 9 was prezoned to PD/M-2 (Planned Development/General Manufacturing), PD/CM-Ag (Planned

Development/Commercial Manufacturing with an Agricultural overlay), PD/CM (Planned Development/Commercial Manufacturing), and OS (Open Space). No Specific Plan has been approved for the site. Area 9 was annexed with the intent of being industrial. Staff was contacted by Urban Planning Concepts who represents some of the Area 9 property owners who were requesting reconsideration of industrial zoned land use. Area 9 property owners have been actively meeting to discuss their future land use options. The proposed plan was submitted by Mr. Diani and Urban Planning Concepts, who asked that it be considered a "future proposal." It deviates from current zoning by advocating 1) CPO (Commercial Professional Office) zoning along the "A" Street frontage, and 2) CM (Commercial Manufacturing) zoning which is being traded for M-1 (Light Industrial) zoning.

Councilmember Trujillo asked that if actions taken this evening would require Planning Commission consideration and action prior to coming back before the Council.

Director of Community Development Lindsey responded that he wanted the Council and the public to understand that the discussion tonight was nothing more than early consultation. It gives guidance to staff, the public, the property owners and their representatives. It would require an application, public hearings, and a recommendation by the Planning Commission before the Council would be asked to take any action.

Mayor Lavagnino opened the public hearing.

Laurie Tamura, Urban Planning Concepts, representing the landowners of Area 9, discussed the chronology of this site. The first Specific Plan was submitted in 2006. It is their belief that the current land use plan for the site is too heavily weighted with Heavy Industrial, rather than professional land uses which have a higher paying job-generating industry. City Staff has reviewed three plans and asked that they be merged into one plan. In February 2007, a Plan was presented which tied CPO along the frontage of "A" Street with the residential zoning across the street. She indicated that it would be a good transition zone from the Heavy Industrial to something that would allow for office-type uses and professional offices. Also included was Light Industrial to give an interesting mix of industrial-types rather than staying with one product on 1,000 acres, and also reflected a more Heavy Industrial component west of "E" Street. Area 9B is being pulled out for future development. This plan addresses all of the infrastructure issues that were tied to the previous plan, but retains the diversity of industrial uses which are employee-generating, still leaving a large portion in reserve for future development. She indicated her desire to obtain direction from the Council to be allowed to move forward with the two-phased Specific Plan. All of the landowners reflected in Area 9A were in support of this plan, and they were in agreement to reserve Area 9B for a later date. She stated it was their desire to provide a diversity of employment types on this plan.

Mayor Lavagnino asked Director of Community Development Lindsey to comment on staff's position with regard to the CPO.

Director of Community Development Lindsey indicated that Ms. Tamura made a good case for CPO along "A" Street. He stated his concerns were that any use other than industrial that established a foothold could dissuade future industrial development. In a perfect world, the industrial development would start at the same time as the CPO. It was hard to gauge at this point how much CPO would be needed. He indicated that it was his desire to establish the industrial foothold first.

Laurie Tamura commented that this plan included a couple of phasing schedules which were dependent upon which landowner was ready to begin the project and work with the City to put in the infrastructure. A sewer line was needed from Area 9 to the sewer plant.

Mayor Lavagnino expressed concern that the proposed CPO zoning may limit the Council and City. He asked if there was some way to protect the City if the CPO came first in the development, and there was still 900 acres of industrial available.

Director of Community Development Lindsey stated that a Specific Plan was a good device, and a phasing plan would be one way of doing that in a Specific Plan. He noted that a preliminary plan was prepared illustrating residential land use in the center (east to west) of Area 9. Several presentations of "lifestyle centers" were made. Staff was somewhat critical of these proposals. Staff concerns were: 1) residential land use often dissuades industrial land use; 2) if residential or another non-industrial development is built first, a perceived incompatible (land use) foothold would be established; and 3) if Area 9 was lost to a non-industrial land use, the City would be vulnerable to having little or no industrial land available for the next 10-20 years, resulting in Santa Maria becoming a permanent bedroom community to other employment bases (San Luis Obispo, Santa Barbara). Director of Community Development Lindsey requested that Council also provide some direction on the Light Industrial issue as to whether or not an adjustment should be made to the Ag overlay. In the current plan, the Heavy Industrial Agricultural is permitted, but in this case it would be limited. The question was does the City Council want to do that.

Councilmember Trujillo asked if the landowners in the area were in agreement with this particular plan. He also asked if Area 9B was owned by multiple owners.

Laurie Tamura commented that in Area 9A she had about 90 percent support for this particular plan. There were two landowners for Area 9B, Greka and Maldonado, and both were asking deferment of their planning area until they had more opportunity to review what they'd like to do and could still continue their oil and agricultural operations.

Councilmember Trujillo asked what timeframe was being considered.

Laurie Tamura answered it was a very long process, approximately five years.

Councilmember Orach asked if the Airport Board was here to speak on the airport landing approach and its expansion.

Director of Community Development Lindsey indicated that there would be plenty of opportunity for the Airport to provide input through this long process and through scoping meetings.

Councilmember Zacarías asked if the greenbelt went to Black Road and was it designated strictly agriculture.

Laurie Tamura indicated that the designation says "no urban development" which was adopted by ordinance and is on all of the zoning maps.

Dick Donati commented that the landowners met on May 9th to discuss this "bifurcation" separating Area 9B out of the project. This project needs a comprehensive transition element included to separate the housing east of "A" Street. He stated that the thinking that all Ag-Industrial should run from "A" Street to Black Road lacks imagination and will not lead to more business. We need a visionary with a creative plan. If the City was interested in bringing in new business, then a corporate model should be followed; and he highly recommended a model that had a mixed-use element to provide the flexibility needed to bring in employers. The City would be making that area an industrial graveyard if it committed all of the 1,000 acres to industrial development. He noted that industry was not going to come to Santa Maria without the infrastructure already in place.

Kristy Treur, representing the Treur Family Trust, commented that they were property owners along the "A" Street parcel. Back in November 2006, the majority of the Area 9 property owners agreed to proposed land uses, and thought the process was moving forward. She asked the Council to consider the bifurcation and allow Area 9B property owners to have their land planned and developed at a later time, and agree to allow Urban Planning Concepts to move forward. Detailed discussion should be postponed until an EIR was completed, and the Council was able to look at all of the issues.

Jonathan Lundquist, representing Betteravia Investments, spoke in support of considering Area 9A and Area 9B separately as proposed. He understood that the consensus of the Area 9 bifurcation of the planning process was not intended to provide delay of difficult decisions, but to expedite the development of Area 9A where there was substantial agreement of the landowners.

Dave Cross, Fletcher, Cross & Associates, representing Nancy Cole, Mike Rudametkin, and Bobby Jo Osborne, asked that there be some Commercial Manufacturing-Ag zoning for the corner parcel of "A" Street and Betteravia, and not Heavy Commercial Manufacturing. He stated that even though his clients were not represented on the map, he wanted to be sure that their interests were preserved.

Having no further requests to speak, Mayor Lavagnino closed the public hearing.

Director of Community Development Lindsey indicated that a study had been done but no formal application had been made to file a Specific Plan for a hearing. The direction that could be given by the Council was to proceed with development of Area 9A and Area 9B could be held in abeyance until the plans were further refined; then compare the existing zoning to what was being proposed, and provide comment.

Laurie Tamura clarified that an application for a Specific Plan had been filed, and that was what staff had been reviewing. If there were additional applications that needed to be filed, they would follow up with staff. She stated they were ready to move forward, particularly with regard to the environmental review.

Mayor Lavagnino indicated that he did not have a problem with the bifurcation. He generally felt that the City should stick to industrial manufacturing in that area. He indicated that he'd like to see the actual plan for the CPO, and understood why CPO made some sense in that area; however, he didn't want it to delay industrial development if it became available. He agreed with Mr. Cross' suggestion about Commercial Manufacturing-Ag, but would like to see what actual projects would be proposed.

Councilmember Patino indicated she agreed with the bifurcation. She expressed her uncertainty about the CPO and would want to be sure that everything was compatible.

Councilmember Zacarias stated that she also did not have a problem with the bifurcation idea, but she was concerned about any proposals that would include residential. She commented that the City had done a great job with residential, but it had grown so much that the infrastructure hadn't kept up to meet those impacts. There just wasn't enough land to provide other areas for light industrial. Preservation of the greenbelt and urban lines was important to her.

Councilmember Trujillo stated he agreed with the overall concept presented. He agreed with the other Councilmembers on the CPO and would like to see more detail about what would go into that area.

Councilmember Orach stated he also agreed with the bifurcation of Area 9A and 9B. The CPO could present some serious issues and needed to be studied. He asked how the CPO could be stopped in the development process.

Director of Community Development Lindsey indicated that there were many "tools" in the toolbox and could tailor the uses for a particular site.

REVIEW OF THE DAYTIME JUVENILE ANTI-LOITERING ORDINANCE.
Senior Deputy City Attorney Stockton gave the staff report. The City Council is asked to consider whether the ordinance adding Chapter 6-3A to Title 6 of the Santa Maria Municipal Code related to daytime anti-loitering for children under the age of 18 years should be extended. The ordinance was due to sunset in August of this year. Staff has re-contacted members of the team who gave input regarding the ordinance last year. The Police Department reports that School Resource Officers at Pioneer and Santa Maria High Schools have been focusing on serious on-campus issues, such as the use

of marijuana, burglary and battery. Neither police nor park rangers have issued any citations under the ordinance in any situation. On the elementary school campuses, truancy has been addressed with a program of parent intervention, which has been successful. The ordinance has not resulted in any citations of elementary school students. Superintendent Jeff Hearn reports that patrol officers have continued to deliver students who are truant back to campus without using the ordinance. Attendance at all high schools has increased during the past school year. This is the first perceptible increase in attendance during the past 10 years. At Santa Maria High School, the increase was almost one percent. Mr. Hearn couldn't attribute the increase to the ordinance, but believes the on-campus presence and efforts of school resource officers have been critical in achieving the attendance increase. Mr. Hearn requests Council extend the ordinance.

If the Council chooses to do nothing, the Ordinance will end of its own accord in August. If the Council directs otherwise, staff could prepare information for a new Ordinance.

Maite Garcia Frank, District Attorney's Office and Supervisor of the Truancy and Intervention Accountability Program (TIAP), requested continued support of the daytime anti-loitering ordinance (DALO). The truancy program goes hand in hand with the DALO and can provide the extra help needed to keep children in classrooms and off the streets. Kids who were attending class were not truant, and were not committing crimes.

Gene Martinez, Chief Assistant District Attorney for North Santa Barbara County, requested continuation of the DALO. The fact the ordinance has been in effect for over a year and no citations have been issued, did not mean that it was not effective, or that it had no value. It's one more tool to encourage kids to stay in school and to reduce the rate of truancy. Police have chosen not to issue citations under the ordinance; however, he knows that the officers use the ordinance as a tool. The Officers explain to the kids that a citation could have been issued, they would have had to appear before a judge, they could have been fined up to $100, and they could have received an order to do as much as 30 hours of community service. The citations are cumulative, where the hours of community service and fines increase with each citation issued.

Cheryl Kliewer spoke in opposition to extending the DALO. Not only has the ordinance not been used, but the TIAP is in effect and being used. The data that was supplied is inconsistent. She explained that she does not understand why the conclusions are dramatically different, when the data is exactly the same. She asked why the ordinance should remain on the books when it is not being used, and the TIAP is. DALO appears unnecessary.

Patty Shipsey spoke in opposition to extending the DALO. She explained that the TIAP was effective without implementing the DALO, and the District Attorney's office was doing a great job. She provided copies of statistics from the school's Truancy Report for Council review, and discussed some of its details. Students' success directly correlates with positive parental influence and involvement, and the sustained success of the TIAP is proof of that principle. She stated that a comprehensive truancy program already exists and demonstrates significant, measured success which the DALO has not done. The DALO was built on faulty data; and the DALO carries the potential down the road for abuse. She asked audience members present who were opposed to the DALO to stand and be acknowledged.

Tom Urbanske, on behalf of the Families for the First Decade Program – Restorative Justice Task Force, spoke in support of renewing the DALO. He indicated that the Task Force had reviewed the truancy issue and discovered there was a need to do more. He stated that a serious problem existed with regard to jail overcrowding. He believed that the place to start to eliminate the recidivism problem in the jails was to begin with the kids, and keep them in school.

Councilmember Patino said that she did not see this ordinance as punitive or restricting rights. She stated that when she was raising her kids, they didn't have a lot of rights. It was vitally important to keep kids in school. The problem was not with those kids whose

parents watch over them, but the others that were riding the fence. She believed the police were being professional, and know who these kids are.

Councilmember Zacarías said that this community needed to be more supportive of policies and activities such as the TIAP which had done phenomenal work with incredible success. She would be surprised if the DALO were the only deterrent available to the police. She believed that the TIAP had far more punitive consequences for truancy than a fine under the DALO. She indicated that she'd rather see it sunset, and would not support investing more time and energy in developing an ordinance that had not proven to have any effect at all and, in her opinion, did infringe upon the rights of others in our community.

Councilmember Trujillo commented that his experience had been that home-schooled children were not usually the problem with regard to truancy. He stated that he believed something should be in place and would support a new ordinance.

Councilmember Orach commented that this was just another tool in the toolbox, and it had not been abused. The officers needed to have the ability to cite the habitual offenders. He stated that he didn't think that it had created a problem and may have even heightened the attitudes of parents and students. He would support a new ordinance.

Councilmember Zacarías asked if there were legal consequences under the TIAP that were more punitive than the $100 fine under the DALO.

Gene Martinez responded that the consequences did not necessarily parallel the DALO. The ordinance was another tool and was enforced in a different way but could be used in addition to those consequences provided under the Education Code. The Education Code provided consequences that were more severe, but the idea was to exercise restraint.

Mayor Lavagnino commented that it was another tool in the toolbox, it had not been abused, and if abuses come to light in the future, the Council could vote to revise it.

The Council directed staff to redraw the Daytime Juvenile Anti-Loitering Ordinance to be presented for introduction and first reading at a later meeting on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

2006 GENERAL PLAN ANNUAL REPORT (SP-2007-007).
Director of Community Development Lindsey gave the staff report. The City Council was asked to review and accept the report and instruct the City Clerk to submit the report to the State Office of Planning and Research (OPR), Housing and Community Development Department (HCD), and the Grand Jury. The Planning Commission reviewed the Annual Report at their meeting of May 16, 2007, and passed a motion referring the 2006 Annual Report to City Council for approval. The Annual Report informs the City Council and Planning Commission on the status and progress of implementing the City's General Plan. It outlines the work program for the current year and provides the opportunity to adjust implementation priorities established in the work program. The 2006 Annual Report would be posted on the City's Web page. Building inspections declined by 38.5 percent in 2006 compared with 2005, which was probably the result of the decline in the housing market. The duration of inspections on average increased due to the greater complexity of commercial and industrial inspections. Building valuation increased by 20 percent in 2006.

The Community Development department is processing approximately 10 to 12 Environmental Impact Reports at any one time that pertain to such projects as the

hospital expansion, the Airport Specific Plan and the Downtown Specific Plan. One of the highlights of the past year was the certification and adoption of our Housing Element. It was the first certification of the Housing Element since 1993. Senior Deputy City Attorney Stockton and Planner III Shipsey received GEM Awards for their efforts. Ten Specific Plans have been approved for 2008 and the Downtown Specific Plan would be the 11th. Four annexations were being processed and were in different stages; the Wastewater Treatment Plant and Quail Run annexations were targeted to be heard by LAFCO in August. Mixed-Use developments continue to be popular such as the Celebration project and the McClelland Street project. A scoping meeting was conducted on the Lakeview Promenade, the old Airport Auto Center dealership on Skyway/Broadway, which was in the early stages of plan processing. The achievements in 2006 include the Galaxy Theater, a 13-screen theater which is currently under construction; three of the first Going the Extra Mile Award recipients are members of Com Dev; ICBO President, Bob Marshall, hosted statewide training for plan checkers and inspectors in the City of Santa Maria; and Lawnae Hunter, former Planning Commissioner, was the recipient of the Citizen Planning Award for the Central Section of the American Planning Association.

Laurie Tamura, Urban Planning Concepts, wanted to inform the Council of how much her office appreciated the work City staff was doing with regard to day to day operations, but also how much effort was put into the full contingent of professional planners. She indicated she thought it was the first time in eight to nine years the Community Development Department had been fully staffed. The City had a high level, professional staff. The institutional knowledge was beginning to build, and there were some great Specific Plans being generated. She expressed her thanks to the Council for adopting a budget that supports its and staff's long term planning goals.

The City Council received the 2006 General Plan Annual Report and directed the City Clerk to file the report with the State Office of Planning and Research (OPR) and Housing and Community Development Department (HCD) on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Councilmember Zacarías commented that the report showed how well the City was doing at its share of building housing across the County. While there was double the number of units for the above-moderate income levels, less than 25 percent of the number of units were for moderate-income, other lower-income and very low-income levels. She expressed the need to be aware of projects for our regular working folks to purchase a home in our community.

Mayor Lavagnino commented that it was not the City's duty to build housing, but approve housing projects.

Councilmember Zacarías stated that she understood and agreed, but as a Council they were asked to provide direction about what they'd like to see developers do. There was a lot that was gained when the Council and staff could be proactive. The community felt the impact of having the additional housing and could boast that our median housing prices were only $500,000 as opposed to $1.2 million in the South County. However, when referring to a family that was only making $60,000 to $70,000 a year, they still could not afford a $500,000 home.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the June 19, 2007, City Council meeting including a public hearing regarding an amendment to the Development Agreement for Kohl's/Regency Centers and a public hearing on the mid-cycle budget review.

City Manager Ness also reported on a few items for the July 3, 2007, City Council meeting including a public hearing for a water rate increase. The notices went out

approximately May 15th. Based upon comments made by speakers, the action to implement the proposed water rate increase would only occur after action was taken by the Council, and the Council would only take action after the close of public hearing. No water rate increases would be implemented prior to any public hearing. The effective date of the water rate increase, if approved, would be that day. In addition, the 5 percent water rate increases have occurred consistently for at least the last 25 years. In order to file a protest, those protests were to be filed at the public hearing. Either written notices could be submitted to the City Clerk or a person could come to the meeting and file a protest that evening. The reference to the $1 million revolving loan fund that came from the surplus water sales was action taken by the Council to temporarily loan $1 million to an economic development revolving loan fund. The key was that it was temporary and would be paid back to the water fund at a future time. A public hearing was also scheduled for a TEFRA hearing for Vizcaya Apartments which was formerly the Meridian Apartments. The purpose of the TEFRA hearing was to reallocate state bond monies for remodeling and renovation of those apartments.

Councilmember Zacarías asked when the water rate would become effective. She inquired how the rate would be applied if the meeting ends at 9:00 p.m. and vote was taken, did the rate begin the next day.

City Manager Ness responded that the proposal was that the rate would become effective that day. Normally, the rate was implemented on July 1st and was based upon a continuing resolution. The reason it's being done differently this year and was being subjected to a protest hearing was because of reinterpretation from court cases associated with Proposition 218.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo commented that he and his wife, Eileen, attended the Santa Barbara conference for the Film Commission. The film industry was becoming very big in Santa Barbara, and particularly in Guadalupe. It brings revenue into those towns and into Santa Maria, as well. He also commented that he and the Mayor attended the Prayer Breakfast, and attended the 90th Birthday for the Santa Maria Inn. The Strawberry Commission gave a number of scholarships to students in Santa Maria. They were scholarships to the families who were working in the strawberry fields or packing houses.

Councilmember Patino commented that the highlight of the month was playing in the celebrity softball game. She visited the Santa Maria Levee, and she and other Councilmembers were in the Rodeo parade and attended the banquet. She also visited the Food Bank with the Mayor and cleaned cans that came into the Food Bank during the food drive. She recommended others volunteer their time to help the Food Bank.

Councilmember Zacarías commented that she was the spiritual mascot for the City of Santa Maria baseball team. She said she had spoken at the NLPOA scholarship dinner, and that the Latino Peace Officers Association in Santa Maria raises funds throughout the year to support students. She visited the textile recycling plant, and was impressed. She explained that in Santa Maria alone, 750,000 pounds of clothing was separated from thrift store discards, and sent to third world countries; an additional 12,000 pounds were retained locally and resold as prom dresses and costumes. She further explained that approximately one million pounds was diverted from the City's landfill.

Councilmember Orach complimented the Elks Lodge 1538 for the fantastic job they do. Over $400,000 was raised this year for youth activities and programs. The Elks have raised over $10 million over the last 64 years. Santa Maria is blessed to have them in this community, and all benefit from their efforts.

Mayor Lavagnino read a fax received from a member of the community which commended the great work City employees do, particularly the Police and Fire Departments. He sadly announced that Santa Maria has lost another young man in the war in Iraq. His name was Shawn Dressler, 22 years old. He commented that he had already asked Director of Public Works/City Engineer Whitehead to name another street

in Santa Maria in Shawn Dressler's honor. He stated that he planned on adjourning tonight's meeting in his memory.

CLOSED SESSION
Council recessed to Closed Session at 9:35 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6 of the Government Code, Agency representative: Assistant City Manager, Employee organization: Santa Maria Police Officers Association (SMPOA); Conference with Legal Counsel – Existing Litigation pursuant to Subdivision (a) of Section 54956.9 of the Government Code, Pamela Jimenez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1196491; and Conference with Real Property Negotiator pursuant to Section 54956.8 of the Government Code, Property: North Hills Project, Agency Negotiator: Rick Sweet, Negotiating Parties: James R. Wheeler and W. Jackson Washburn, Under Negotiation: Price and terms of payment of water rights.

After the Closed Session, the following was announced:

Conference with Labor Negotiator: SMPOA – Status report provided. No reportable action taken.

Conference with Legal Counsel: Pamela Jimenez v. City of Santa Maria – Direction to staff was given.

Conference with Real Property Negotiator: North Hills Project – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 9:59 p.m. in memory of Shawn Dressler, who was killed in combat in Iraq.

APPROVED

June 19, 2007
Date

Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Deputy City Clerk

Mayor of the City of Santa Maria